

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CIVIL ACTION NO. 1:11cv0067 (WOB-MRM)

DAVID PATRICK

PETITIONER

VS.

ORDER

WARDEN, Ohio State Penitentiary

RESPONDENT

This matter is before the Court on the Report and Recommendation (Doc. #18) of the Magistrate Judge, and having considered *de novo* those objections filed thereto by petitioner, and the Court being sufficiently advised,

IT IS ORDERED that the objections to the Report and Recommendation be, and they hereby are, **denied**; that the Report and Recommendation be, and it hereby is, **adopted** as the findings of fact and conclusions of law of this Court; that the petition for writ of habeas corpus be, and it hereby is, **denied**; that this matter be **dismissed**, with prejudice, and **stricken** from the docket of this court. A separate Judgment shall enter concurrently herewith.

IT IS FURTHER ORDERED that, in light of the reasons stated in the Report and Recommendation of the Magistrate Judge, there would be no arguable merit for an appeal in this matter and, therefore, an appeal would not be taken in "good faith" within the meaning of Section 1915(a), and no Certificate of

Appealability shall issue herein and petitioner should therefore not be permitted to proceed *in forma pauperis*.

This 17th day of May, 2012.



Signed By:

William O. Bertelsman *WOB*

United States District Judge